

# SPECIAL EDUCATION PROCESS

## 1. REFERRAL

### Purpose

- To identify individuals with suspected disabilities

### Additional Information

- Parents or district personnel may make referrals.
- District documentation of the referral must include:
  - Name and role of individual making the referral.
  - The reasons for the referral and descriptions of concerns.
  - A statement describing the learning experiences the child has received, especially in reading and math.
  - A statement that limited English proficiency is not the primary reason for the referral.
  - The date of the referral.
- Procedural Safeguards must be provided to the parents within 1-5 days of the initial referral for a special education evaluation.

### Outcome

- For parent referrals
  - The district determines that an evaluation is not warranted and provides the parents with a Notice of Action Refused, or
  - The district determines that an evaluation is warranted and proceeds to step 2 of the process.
- For district referrals
  - The district proceeds to step 2 of the process.

## 2. REVIEW OF EXISTING EVALUATION DATA

### Purpose

- To review existing data and identify what, if any, additional data is needed to determine:
  - Whether the child has, or continues to have, a particular category of disability.
  - The present levels of performance and educational needs of the child.

- Whether the child needs, or continues to need, special education and related services.
- Whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general curriculum.

### Additional Information

- This review must be conducted by a group of individuals that include required members of an IEP team and other qualified professionals, as appropriate.
- This review may be conducted without a meeting.
- The information reviewed should include, as appropriate,
  - Previous evaluations
  - Information provided by the parents
  - Current classroom-based assessments and observations
  - State and district-wide assessment results
  - Observations by teachers and by related services providers, if available and appropriate.
- District documentation of this review must include
  - The team conclusions/decisions
  - The date the conclusions/decisions are finalized
  - The names of individuals participating in the review.

### Outcome

- The team determines that additional data is needed and proceeds with step 3 of the process.
- The team determines that additional data is not needed:
  - For initial evaluations, the district provides the parents with a Notice of Intent to Evaluate and proceeds to step 5 of the process.

- For reevaluations, the district provides notification to the parents that includes:
  - The decision and the reasons for the decision.
  - The parent's right to request further assessment IF the purpose for conducting the assessments is to determine continued eligibility.

### **3. PLANNING THE EVALUATION** *(This step only applies to evaluations requiring additional assessment.)*

#### **Purpose**

- To determine how the additional data will be obtained.

#### **Additional Information**

- When planning for the evaluation, the district must take into consideration information provided by the parents.
- It is the district's responsibility to determine how the data will be obtained.
- Parent participation is not required when making these decisions.

#### **Outcome**

- District staff identifies assessments/procedures that will be used to obtain additional data.

### **4. PROVIDE NOTICE/OBTAIN CONSENT**

#### **Purpose**

- To assure that parents/guardians have been fully informed of and agree to the proposed action.

#### **Additional Information**

- **Notice of Action (Intent to Evaluate)**
  - Must be provided for **all** initial evaluations.
  - Must be provided for reevaluations when conducting a test or administering any assessment instrument(s).
  - For initial evaluations this Notice must be provided within 30 days of the date of referral.
- **Written Consent**
  - Does not need to be obtained for initial evaluations that do not require additional testing.

- Is needed prior to the administration of a test or other assessment instrument when conducting initial evaluations or reevaluations.
  - If the parent fails to provide consent, the agency may file a request to a Due Process hearing to attempt to obtain consent.
- For reevaluations, the district may proceed with assessments 10 days after the district's second attempt to obtain consent and the parent failed to respond. *Failure to respond means there was NO response from the parent, not that the parent responded and refused to give consent.*

#### **Outcome Options**

- When additional testing is necessary and consent is received, implement the evaluation procedures specified in the Notice of Action.
- When no additional assessments are needed schedule a meeting for eligibility determination.

### **5. DETERMINE ELIGIBILITY**

#### **Purpose**

- To determine whether the child has a disability, or continues to have a disability, based upon state eligibility criteria. For eligibility criteria refer to the State Plan and Documents G-1 through G-16 in the Standards and Indicators Manual.

#### **Additional Information**

- A group of qualified professionals and the parents of the child make the eligibility determination.
- The evaluation staffing will be held within 45 days of receipt of parent consent to evaluate.
- The child may not be determined to be eligible for special education and related services if the determinant factor is
  - Lack of instruction in reading or math; or
  - Limited English Proficiency

#### **Outcome**

- The team determines that the child does have a disability.
- The team determines that the child does not have a disability and provides the parents with a Notice of Action – Ineligibility.

## **6. EVALUATION REPORT**

### **Purpose**

- To develop a current written summary of the evaluation results and eligibility staffing.

### **Additional Information**

- Evaluation reports are required for all initial evaluations and for any reevaluations where additional data was collected.
- The parents must be given a copy of the evaluation report within a reasonable period of time (generally 15-20 days) following the evaluation staffing.
- The evaluation report must address:
  - A synthesis of information from the evaluation
  - Relevant behavior noted during observation.
    - Required for the categories of learning disabilities, emotional disturbance, and autism.
    - Optional for all other categories of disabilities.
  - Description of any variations from standard assessment conditions
  - A statement of the existence and nature of the categorical disability(ies).
  - Basis for the determination of eligibility and need for special education and related services, or the continued need for special education and related services.
  - A statement that the disability is not a result of lack of instruction in reading or math, limited English proficiency, or other exclusions as applicable in the eligibility criteria.
  - Names and roles of the individuals making the eligibility determination.
- Additional components for learning disabilities:
  - Educationally relevant medical findings, if any.
  - Whether there is a severe discrepancy between achievement and ability that is not correctable without special education and related services.
  - The determination of the team concerning the effects of environmental, cultural, or economic disadvantage.

- Each team member, except for the parent, certifies in writing whether the report reflects his/her conclusion and provides a dissenting statement, if applicable.

### **Outcome**

- The evaluation report is sufficiently comprehensive to develop a present level of performance and enable the IEP team to develop an appropriate educational program.

## **7. NOTIFICATION OF IEP MEETING**

### **Purpose**

- To ensure that parents are notified of and have the opportunity to participate in IEP meetings.

### **Additional Information**

- Parent notification of the IEP meeting
  - May be given verbally or in writing
  - Must be provided early enough to ensure that the parent will have an opportunity to attend
- The District must make at least two attempts to assure parents participation before proceeding with the IEP meeting.
- Content of notification must include:
  - Time, date, location, and participants
  - All purposes of the meeting, including transition for students ages 14 and older
  - If the purpose of the meeting includes transition, the district must invite
    - The student
    - Representatives from any other agency likely to provide or pay for services upon graduation.
  - Parents are informed of their right and the district's right to invite other individuals who have knowledge and/or special expertise regarding the child and that the determination as to whether an individual has knowledge or special expertise is made by the parent or public agency who invited the individual to be a member of the IEP team.

## **Outcome**

Parents are notified of the IEP meeting and have the opportunity to participate in the development of the IEP.

## **8. DEVELOP IEP**

### **Purpose**

- To ensure that a child with a disability is provided special education, related services and supports necessary to meet the child's special learning needs; to be involved in and progress in the general education curriculum; and, to be educated with nondisabled peers in the least restrictive environment.

### **Additional Information**

- IEP Timelines
  - Initial IEPs must be developed within 30 days of the eligibility determination staffing.
  - IEPs must be reviewed at least annually and revised as necessary.
  - IEPs must be in effect at the beginning of each school year.
- IEP Team
  - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning the IEP team.
- IEP Content
  - Refer to the State Plan, Document B of the Standards and Indicators Manual, and the IDEA regulations for specific information concerning IEP content.
- Parents must be provided with a copy of the IEP within a reasonable period of time following the meeting (generally 15-20 days).
- Parents are provided with Prior Written Notice for any change of services.

## **Outcome**

An appropriate IEP is completed for each child with a disability.

## **9. DETERMINE PLACEMENT**

### **Purpose**

- To ensure that children with disabilities are educated to the maximum extent appropriate with children who do not have disabilities.

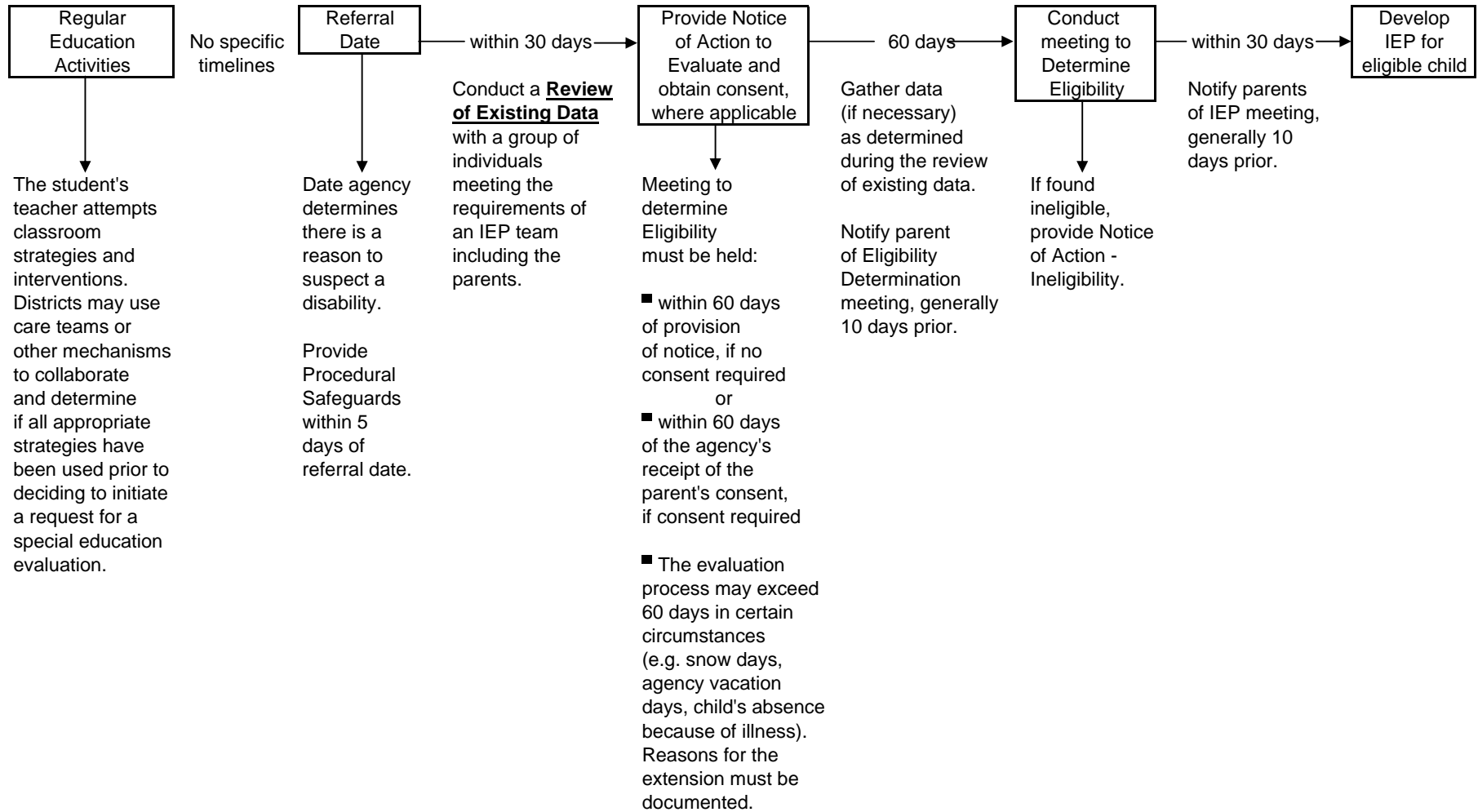
### **Additional Information**

- For K-12, a continuum of alternative placements is available.
- For preschool children, a variety of placement options are available.
- Regular education with modifications must be considered for all children.
- The child's placement is
  - Determined at least annually.
  - Based upon the child's IEP.
  - As close as possible to the child's home.
- A child with a disability shall not be removed from education in an age-appropriate regular classroom solely because of needed modifications in the general curriculum.
- Prior Written Notices
  - Notice of Action for initial placement is provided to the parents.
  - Consent for initial placement is obtained prior to the implementation of the IEP.
    - If the parent fails to give consent for placement, the agency may not pursue through Due Process, they may use informal measures to advise the parent of potential effect on the students education if services are not provided.
  - Change of placement/services notices are provided as appropriate following IEP reviews.
  - Refer to Document A of the Standards and Indicators Manual for specific content of prior written notices.

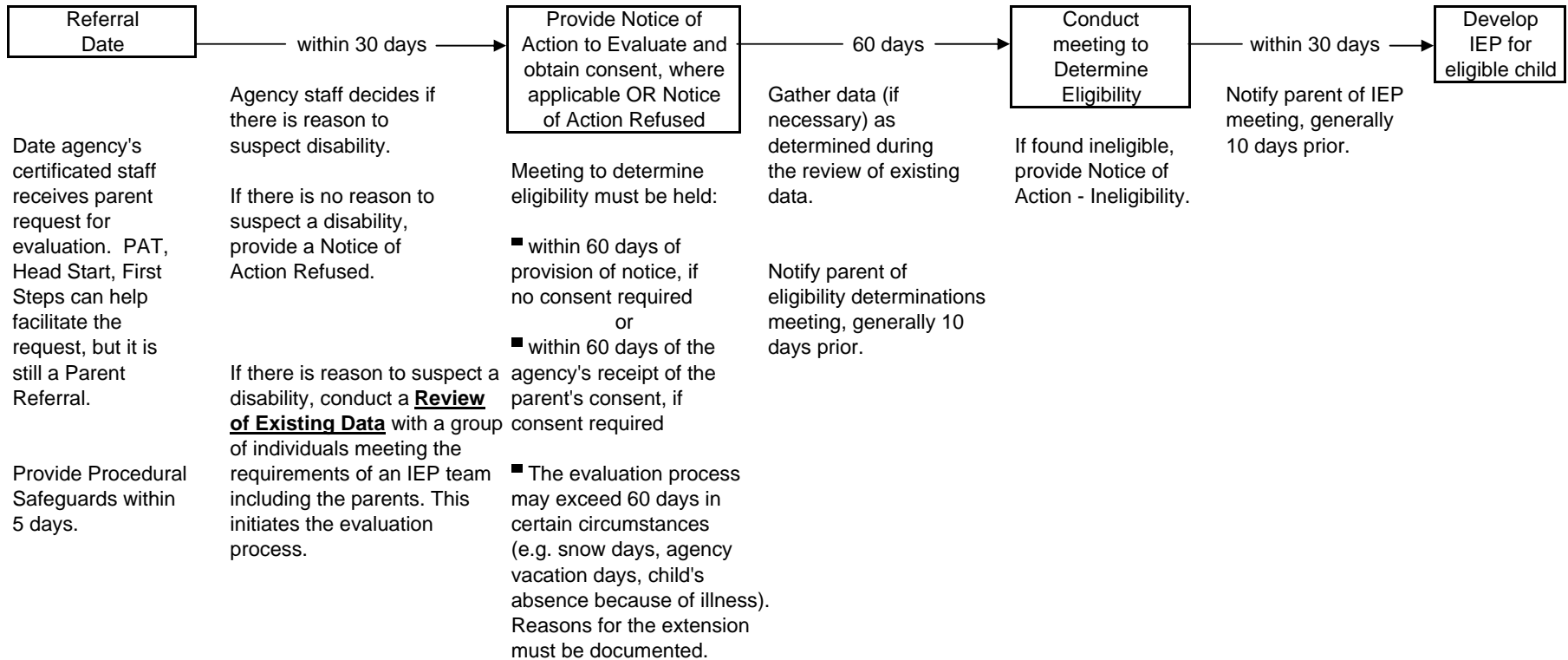
## **Outcome**

The child is placed in the least restrictive environment.

## Initial Evaluation Process Agency Referral



## Initial Evaluation Process Parent Referral



**Referrals for children receiving services in the First Steps System:** While these referrals are considered parent referrals for an evaluation, it is possible that the agency will first learn about the child through the First Steps System. If the invitation to attend the First Steps transition meeting conducted by the First Steps System is the first indication the agency has received that the parent is interested in referring their child for evaluation, then the date of that transition meeting is considered the date of referral. This transition meeting generally occurs when the child reaches an age of 2 years, 6 months.

If the parent makes the initial contact with the agency, then the date of the referral will be the date that a member of the agency's certificated staff received a request for an evaluation from the child's parent.

**NOTE:** For referrals from First Steps received more than 120 days before the child's 3rd birthday, the 30, 60, 30-day timelines associated with the evaluation process is not applicable. The requirement for the agency is that an IEP be in place by the child's third birthday.